

WHAT CONGRESS AND GANDHI HAVE DONE TO THE UNTOUCHABLES

APPENDICES

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APPENDIX VII

MINORITIES AND- WEIGHTAGE

Views of the Montagu-Ohdmsford Report find of the Simon Commission on the iniquitous distribution of weightage.

(1)

MONTAOU-CHILMSIORD Report.

Extyact from the Moniagu'Chelmsford Report on Indian Constitutional Reforms.

163. Important minorities, it is proposed, should be represented by election. This appears to point to a system of specified only for Mohammedans, who are no longer to be allowed to vote in the general electorates as well as in their own special ones. We have elsewhere touched upon the difficulty of denying to certain other communities, such as the Sikhs in the Punjab, a concession which i» granted to Mohammedans, The authors of the scheme have also agreed upon, and set forth the proportions of the seats to be reserved for the special Muslim electorates in the various provinces. We are not aware on what basis, other than that of negotiation, the figures were arrived at. Separate electorates are proposed in. all provinces even where Mohammedans are in a majority: and wherever they are numerically weak, the proportion suggested is in excess of their numerical strength or their present representation. At the same time, nearly all the Muslim associations which addressed us urged upon us that it should be still further increased. Now a privileged position of this kind is open to the objection, that if any other community hereafter makes good a claim to separate representation, it can be satisfied only by deduction from the non-Muslim seats, or else by a rateable deduction from both Muslim and non-Muslim; and Hindu and Muslim opinions are not likely to agree which process

should be adopted. While, therefore, for reasons that we explain subsequently, we assent to the maintenance of separate representation for Mohammedans, we are bound to reserve our approval of the particular proposals set before us until we have ascertained what the effect upon other interests will be, and have made fair provision for them. We agree with the authors of the scheme that Mohammedans should not have votes both in their own special, and in the general electorates—and we welcome the Muslim League's assent to the revision in this respect of existing arrangements."

(2)

Extract from the Report of the Indian Statutory Commission, Vol. II.

NUMBER OF MOHAMMEDAN SEATS

Para 85. We now take up the question of the proportion of seats in the various provincial councils to be set aside for Mohammedan members,

The Lucknow Pact, as we have already pointed out, included an 'agreement between Hindus and Moslems as to the proportion of Indian elected seats allotted in each province to the Mohammedan community, and its terms have been followed closely in the allocation of Mohammedan seats in the existing provincial legislatures. The Pact is no longer accepted by either side as offering a fair basis of representation and the rival contentions now put forward are indicated in paragraph 70 above. It is very much to be hoped that a renewed effort will be made between the two communities themselves to arrive at a fresh accommodation; but in the absence of agreement, a decision will have to be reached by others, on the assumption that separate electorates remain. Our own opinion is that in view of the existing position and of the weakness of the Moslem minority in six out of the eight provinces (*Burma is not in question*), the present scale of weightage in favour of Mohammedans in those provinces might properly be retained. Thus, the proportion to be allotted to them, of seats filled from the "general" constituencies (other than the European general constituencies) would be determined as at present. But a claim has been put forward for a guarantee of Mohammedan representation which goes further than this—see paragraph 70 above and Appendix VII at the end of this chapter. This claim goes to the length of seeking to preserve the full security for representation now provided for Moslems in these six provinces and at the same time to enlarge in Bengal and the Punjab the present proportion of seats secured to the community by separate electorates to figures proportionate to their ratio of population. This would give Mohammedans a fixed and unalterable majority of the "general constituency" seats in both provinces. We

cannot go so far. The continuance of the present scale of weightage in the six provinces could not—in the absence of a new general agreement between the communities—equitably be combined with so great a departure from the existing allocation in Bengal and the Punjab.

It would be unfair that Mohammedans should retain the very considerable weightage they now enjoy in the six provinces, and that there should at the same time be imposed, in face of Hindu-Sikh opposition, a definite Moslem majority in the Punjab and in Bengal unalterable by any appeal to the electorate. On the other hand, if by agreement separate electorates in Bengal were abandoned, so that each community in that province was left to secure such seats as it could gain by appeal to a combined electorate, we should not, on that account, seek to deprive the Moslem community of its existing weightage in the six provinces where they are in a minority. In the same way in the Punjab, if Moslems, Sikhs and Hindus were prepared to seek election through a joint electorate covering all three communities, here again we should still be prepared to see this combined with the preservation of the present numerical proportion secured to the Mohammedans by separate electorates in the six other provinces.

We make this last suggestion, which really involves giving the Moslem community the advantage of a choice between two courses to follow, because we sincerely desire to see all practicable means attempted for reducing the extent of separate electorates and for giving the other system a practical trial.

APPENDIX VIII

CRIPPS PROPOSALS

DRAFT DECLARATION FOR DISCUSSION WITH INDIAN LEADERS

The conclusions of the British War Cabinet set out below are those which Sir Stafford Cripps has brought with him for discussion with Indian Leaders, and the question as to whether they will be implemented will depend upon the outcome of those discussions which are now taking place.

His Majesty's Government having considered the anxieties expressed in this country and in India as to the fulfilment of promises made in regard to the future of India have decided to lay down in precise and clear terms, the steps which they propose shall be taken for the earliest possible realisation of self-government in India. The object is the creation of a new Indian Union which shall constitute a Dominion associated with the United Kingdom and other Dominions by a common allegiance to the Crown but equal to them in every respect, in no way subordinate in any aspect of its domestic or external affairs.

His Majesty's Government, therefore, make the following Declaration:—

- (a) Immediately upon cessation of hostilities, steps shall be taken to set up in India, in manner described hereafter, an elected body charged with the task of framing a new Constitution for India.
- (b) Provision shall be made, as set out below, for participation of Indian States in the Constitution-making body.
- (c) His Majesty's Government undertake to accept and implement forthwith the Constitution so framed subject only to:—

- (i) The right of any Province of British India that is not prepared to accept the new Constitution, to retain its present constitutional position, provision being made for its subsequent accession if it so decides.

With such non-acceding Provinces, should they so desire, His Majesty's Government will be prepared to agree upon a new Constitution giving them the same full status as the Indian Union and arrived at by a procedure analogous to that here laid down.

- (ii) The signing of a Treaty which shall be negotiated between His Majesty's Government and the Constitution-making body. This Treaty will cover all necessary matters arising out of the complete transfer of responsibility from British to Indian hands ; it will make provision, in accordance with undertakings given by His Majesty's Government, for the protection of racial and religious minorities; but will not impose any restriction on the power of the Indian Union to decide in future its relationship to other Member States of the British Commonwealth.

Whether or not an Indian State elects to adhere to the Constitution, it will be necessary to negotiate a revision of its Treaty arrangements so far as this may be required in the new situation.

- (d) The Constitution-making body shall be composed as follows unless the leaders of Indian opinion in the principal communities agree upon some other form before the end of hostilities:—

Immediately upon the result being known of Provincial Elections which will be necessary at the end of hostilities, the entire membership of the Lower Houses of Provincial Legislatures shall as a single electoral college proceed to the election of the Constitution-making body by the system of proportional representation, This new body shall be in number about 1/10th of the number of the electoral

college,

Indian States shall be invited to appoint representatives in the same proportion to their total population as in the case of representatives of British India as a whole and with the same powers as British Indian Members,

{e) During the critical period which now faces India and until the New Constitution can be framed, His Majesty's Government must inevitably bear the responsibility for and retain the control and direction of the defence of India as part of their world war effort, but the task of organising to the full the military) moral and material resources of India must be the responsibility of the Government of India with the co-operation of the peoples of India. His Majesty's Government desire and invite the immediate and effective participation of the leaders of the principal sections of the Indian people in the counsels of their country, of the Commonwealth and of the united nations. Thus they will be enabled to give their active and constructive help in the in-charge of a task which is vital and essential for the future freedom of India.

APPENDIX IX OBJECTIONS TO CRIPPS PROPOSALS

Statement by B. R. Ambedkar showing how the CRIPPS Proposals would affect the Untouchables

The War Cabinet proposals show a sudden *Volte Face* on the part of His Majesty's Government. The putting forth of these proposals, which were denounced by them as an invasion of minority rights, is an indication of their complete surrender of right to win might. This is Munich mentality, the essence of which is to save oneself by sacrificing others, and it is this mentality which is writ large on these proposals. It is reported that the American and English people are annoyed at Indians not welcoming the proposals of His Majesty's Government relating to the constitutional advancement of India and hereby allowing the mission of Sir Stafford Cripps to fail. One can forgive the Americans for their attitude, but surely the English people and Sir Stafford Cripps ought to know better. It does not seem to have been sufficiently realised that the proposals of His Majesty's Government now put forth as the best are the very proposals which have been rejected and condemned by His Majesty's Government as the worst, only a few months previously. Those who realise this cannot but help saying that this is the ugliest part of the whole business of constitutional advance, which His Majesty's Government is now suddenly and

contrary to its previous declarations, rushing to undertake. The proposals fall into three parts; (1) There is to be a constituent assembly with a right to frame the Constitution for India. This Assembly is to have the fullest power to frame such constitution as the majority in the Assembly may choose to decide; (2) The new Constitution is not to include all of the present Provinces of India but only such Provinces as may be willing to be bound by it. For this the Provinces have been given a right to decide whether they shall join the new Constitution or stay out of it. This is left to be done by a plebiscite in which a bare majority is declared enough to decide the issue ; (3) The Constituent Assembly shall be required to enter into a treaty with the British Government. The treaty is to contain provisions for the safety and security of racial and religious minorities. After such a treaty is signed, the British Government is to withdraw its sovereignty and the Constitution framed by the Constituent Assembly is to come into operation.

Such, in brief outline, is the scheme of His Majesty's Government.

The proposal regarding Constituent Assembly is not a new proposal. It was put forth by the Congress when the war broke out and what is important is that this proposal of the Congress was rejected by His Majesty's Government. This is what Mr. Amery said in the House of Commons on August 14, 1940, regarding Constituent Assembly:—

"Congress leaders have built up a remarkable organization, the most efficient political machine in India. .. If only they had succeeded, if the Congress could, in fact speak, as it professes to speak, for all the main elements in India's national life, then however advanced their demands.- our problem would have been in many respects far easier than it is to-day. It is true that they are numerically the largest single party in British India, but their claim in virtue of that fact to speak for India is utterly denied by very important elements in India's complex national life. These others assert their right to be regarded not as mere numerical minorities but as separate constituent factors in any future Indian policy. The foremost among these elements stands the great Muslim community. They will have nothing to do with a Constitution framed by a Constituent Assembly elected by a majority vote in geographical constituencies. They claim the right in any constitutional discussions to be regarded as an entity and are determined only to accept a Constitution whose actual structure will secure their position as an entity against the operations of a mere numerical majority. The same applies to the great body of what are known as the *Scheduled Castes* who feel, in spite of Mr. Gandhi's earnest endeavours on their behalf, that, as a community, they stand outside the main body of the Hindu Community which is represented by the Congress."

This statement was made by Mr. Amery when he was elucidating the announcement made by the Viceroy on 6th August 1941 in which he had given the following pledge to the minorities on behalf of His Majesty's Government;—

"There are two main points which have emerged. On these two points. His Majesty's Government now desire me to make their position clear. The first is as to the position of the minorities in relation to any future constitutional scheme. . . It goes without saying that they (H. M. Government) could not contemplate the transfer of their present responsibilities for the peace and welfare of India to any system of government whose authority is directly denied by large and powerful elements in India's national life. Nor could they be parties to the coercion of such elements into submission to such a government."

Again on the 23rd April 1941, Mr. Amery referred to the demand of the Constituent Assembly and expressed himself in the following terms:—

"India's future Constitution should be devised by Indians for themselves and not by the British Government. India's future Constitution should be essentially an Indian Constitution, framed in accordance with the Indian conception of Indian conditions and Indian needs. The only essential condition is that the Constitution itself and the body which is to frame it, must be the outcome of agreement between principal elements in India's national life."

Such were the views and pledges given by H. M. Government regarding Constituent Assembly, which is now conceded. Regarding the demand for Pakistan, it was a demand put forward by the Muslim League. This demand was also rejected by His Majesty's Government. This is what Mr. Amery said in regard to it in the House of Commons on August 1, 1940 :—

" This reaction against the dangers of what is called the Congress Raj or Hindu Raj has gone so far as to lead to a growing demand from Muslim quarters for a complete breaking up of India into separate Hindu and Muslim dominions. I need say nothing to-day of the manifold and to my mind, insuperable objections to such a scheme, at any rate in its extreme form. I would only note that it merely shifts the problem of permanent minorities to somewhat smaller areas, without solving it."

Again on April 23, 1941, he referred to it in his speech in the House of Common and spoke about it in the following terms :—

"I am not concerned here to discuss the immense practical difficulties in the way of this so-called Pakistan project nor need I go back to the dismal record of India's history in the 18th century or to the disastrous experience of the Balkan countries before our eyes, to-day, in order to point out the terrible dangers inherent in any break up of the essential unity of India, at any rate in

its relation to the outside world. After all, there is no British achievement in India of which we have reason to be proud than the unity. . .we have given her."

Such were the views of His Majesty's Government only a year ago regarding Constituent Assembly and Pakistan.

It is quite obvious that the proposal for a Constituent Assembly is intended to win over the Congress, while the proposal for Pakistan is designed to win over the Muslim League. How do the proposals deal with the Depressed Classes ? To put it shortly, they are bound hand and foot and handed over to the caste Hindus. They offer them nothing; stone instead of bread. For the Constituent Assembly is nothing short of a betrayal of the Depressed Classes. There can be no doubt as to what the position of the Depressed Classes will be in the Constituent Assembly; nor can there be any doubt regarding the political programme of the Constituent Assembly. In the Constituent Assembly, there may be no representatives of the Depressed Classes at all because no communal quotas are fixed by these proposals. If they are there, they cannot have a free, independent and decisive vote. In the first place, the representatives of the Depressed Classes will be in a hopeless minority. In the second place, all decisions of the Constituent Assembly are not required to be by a unanimous vote. A majority vote is enough to decide any question no matter what its constitutional importance is. It is clear that under this system the voice of the Depressed Classes in the Constituent Assembly cannot count. In the third place, the present system of proportional representation by which the members to the Constituent Assembly are to be elected under the terms contained in His Majesty's proposals cannot but result in the caste Hindus having virtually the right to nominate the representatives of the Depressed Classes to the Constituent Assembly. Such representatives of the Depressed Classes will be the tools of the caste Hindu . In the fourth place, the Constituent Assembly will be filled with the Congressites who will form the dominant majority party able to carry out its own programme. There is no doubt that Mr. Gandhi, whatever may be said about his endeavours in the matter of the social uplift of the Depressed Classes, is totally opposed to giving political recognition to the Depressed Classes in the Constitution as a separate and distinct element in the national life of India. That being the case, the programme of the majority party in the Constituent Assembly will be to wipe out the political safeguards already granted to the Depressed Classes in the present Constitution. Any one, who realises what is implied in the Constituent Assembly, will admit that His Majesty's Government by their proposals have literally thrown the Depressed Classes to the wolves. It may be said that while there is the Constituent Assembly which may deny constitutional safeguards to

the Depressed Classes, His Majesty's Government have been careful to include in their proposals the provisions for a treaty with the Constituent Assembly the object of which is to secure the interests of the Depressed Classes. This proposal of a treaty is evidently borrowed from the plan adopted by His Majesty's Government for the settlement of the Irish dispute. The proposal regarding the treaty does not say what are the safe-guards His Majesty's Government will decide to include in the treaty. This is an important point because there may be a difference of opinion between His Majesty's Government and the Depressed Classes on the nature, number and method of the political safeguards that may be necessary to protect the interests of the Depressed Classes under the new Constitution. The second and equally important question about the treaty is what is going to be the sanction behind the treaty. Will the treaty be a part of the Constitution framed by the Constituent Assembly, so that any provision in the Constitution which, is repugnant with the treaty will be null and void ? Or, will the treaty be just a treaty between the two governments, the Indian National Government and His Majesty's Government, as any trade treaty ? If the treaty is to be of the former kind, it will be the law of the land and will have legal sanction of the Indian Government behind it. If, on the other hand, the treaty is to be of the latter kind, it is obvious it will not be the law of the land and will have no legal sanction behind it. Its sanction will be political sanction. Now a treaty cannot override the Constitution framed by the National Government for the obvious reason that such a thing, as was found in the case of Irish Free State, is incompatible with Dominion Status. The only sanction behind such a treaty will be political sanction. It is obvious that the use of such sanction must depend upon the colour of the Government and the state of public opinion. Given this fact, the questions that arise are two: (1) What are the means which His Majesty's Government will have at its disposal to enforce the treaty obligations? (2) Secondly, will His Majesty's Government be prepared to use these means to coerce the Indian National Government to abide by the terms of the treaty ? With regard to the first question, it is obvious that the means for enforcing the treaty are twofold—use of force and trade war. As to the military force, the Indian army will not be available. It will be entirely transferred to the control of the new Indian National Government. His Majesty's Government will have therefore lost this means of enforcing the treaty. It is impossible to believe that His Majesty's Government will send its own army to compel the National Government to obey the treaty. A trade war is not possible. It is a suicidal policy and the experience of the Irish war with the Irish Free State for the recovery of land annuities shows that a nation of shopkeepers will not sanction it even though it may be for their interest and honour. The treaty therefore is

going to be an empty formula, if not a cruel joke, upon the Depressed Classes. His Majesty's Government has sent out these proposals to be welcomed by Indians. But neither His Majesty's Government nor Sir Stafford Cripps have offered any explanation as to why they are offering to Indians the very proposals which His Majesty's Government had been condemning in scathing terms only a few months ago. A year ago, His Majesty's Government said that they would not grant Constituent Assembly because that would be a coercion of the minorities. His Majesty's Government is now prepared to grant Constituent Assembly and to coerce the minorities. A year ago, His Majesty's Government' said that they will not allow Pakistan because that is Balkanisation of India. To-day, they are prepared to allow the partition of India. How can the Government of a Great Empire lose all sense of principle ? The only explanation is that His Majesty's Government has, as a result of the course of the war, become panic-stricken. The proposals are the result of loss of nerves. How great is the panic that has overtaken His Majesty's Government can be easily seen if one compared the demands made by the Congress and the Muslim League and the concessions made to them by these proposals. The Congress demanded that the Constitution should be framed by a Constituent Assembly by a mere majority vote. On the other hand, when the Viceroy announced that the British Government will not be a party to the coercion of the minorities involved in the demand by the Congress, the Working Committee of the Congress at its meeting at Wardha held on August 22, 1940. passed the following resolution ;—

"The Committee regrets that although the Congress has never thought in terms of coercing any minority, much less of asking the British Government to do so, the demand for a settlement of a Constitution though through a Constituent Assembly of duly elected representatives has been misrepresented as coercion and the issue of minorities has been made into an insuperable barrier to Indian progress."

The Working Committee added :—

"The Congress had proposed that minority rights should be amply protected by agreement with the elected representatives of the minorities concerned."

This shows that even the Congress did not demand that the decision of minority rights should be included in the purview of the Constituent Assembly. His Majesty's Government has, however, given them the additional right to decide this minority rights issue by a bare majority vote. With regard to the question of Pakistan, the same attitude is noticeable. The Muslim League did not demand that Pakistan must be conceded immediately. All that the Muslim League had asked for was that at the next revision of the Constitution, the Mussalmans should not be prevented from raising the question of Pakistan.

The present proposals have gone a step beyond and distinctly give to the Muslim League the right to create Pakistan. These are constitutional proposals. They are intended to lead India to wage a total war in which Hindus, Mussalmans, Depressed Classes and Sikhs are called upon wholeheartedly to participate. Yet Sir Stafford Cripps, either with the consent or without the consent of His Majesty's Government, has been making discrimination between major parties and minor parties. The major parties are those whose consent is necessary. Minor parties are those with whom consultation is believed to be enough. This is new distinction. Certainly it was never made in the prior pronouncements either of His Majesty's Government or of the Viceroy. The pronouncement spoke of the "consent of the principal elements in the national life of India."

So far as the Depressed Classes are concerned, I am not aware of any pronouncement in which the Depressed Classes were placed on a lower plane than the one given to the Mussalmans. I quote the following from the speech of the Viceroy made in Bombay on January 10, 1941, from which it will be seen that the Depressed Classes were bracketed with the Mussalmans :

"There are insistent claims of the minorities. I need refer only to two of them ; the great Muslim minority and the Scheduled Classes—there are the guarantees that have been given to the minorities in the past, the fact that their position must be safeguarded and that those guarantees must be honoured."

This invidious distinction now sought to be made is a breach of faith with those minorities whose position has been lowered by this discrimination. From a constitutional point of view of total war, it is bound to cause more disaffection and disloyalty in the country. It is for the British to consider whether in this attempt to win the friendship of those who have probably already decided to choose other friends, they should lose those who are their real friends. The proposals show a sudden *volte face* on the part of His Majesty's Government. The putting forth of those proposals which were denounced by them as an invasion of minorities' rights is an indication of their complete surrender of right to win might. This is Munich Mentality the essence of which is to save oneself by sacrificing others and it is this mentality which is writ large on those proposals. My advice to the British Government is that they should withdraw these proposals. If they cannot fight for right and justice and their plighted word they should better make peace. They can thereby at least save their honour.

APPENDIX X

CORRESPONDENCE BETWEEN LORD WAVELL AND MR. GANDHI,

1944

1. *Letter from Mr. Gandhi to Viceroy on July 15th, 1944,*

"DEAR FRIEND,

You have no doubt seen the authentic copies, now published in the Indian Press, of the statements given by me to Mr. Gelder of the *News Chronicle*. As I have said to the Press, they were meant primarily to be shown to you. But Mr. Gelder, no doubt with the best of motives, gave the interview premature publicity. I am sorry. The publication will nevertheless be a blessing in disguise, if the interview enables you to grant at least one of my requests contained in my letter of June. 17, 1944.

I am yours, etc.,
(Sd.) M. K. GANDHI."

2. *Viceroy's reply to Mr. Gandhi, dated 22nd July 1944.*

"DEAR MR. GANDHI,

Thank you for your letter of July 15. I have seen the statements you have made to Mr. Gelder, and your subsequent explanation of them. I do not think I can usefully comment at present, except to repeat what I have said in my last letter that if you will submit to me a definite and constructive policy, I shall be glad to consider it.

Yours sincerely,
(Sd.) WAVELL."

3. *Gandhi's letter to the Viceroy, dated 27th July 1944.*

"DEAR FRIENDS,

I must admit my disappointment over your letter of 22nd instant. But I am used to work in the face of disappointment. Here is my concrete proposal.

I am prepared to advise the Working Committee to declare that in view of changed conditions, mass civil disobedience envisaged by the resolution of August 1942, cannot be offered and that full cooperation in the war effort should be given by the Congress, if a declaration of immediate Indian independence is made and a National Government responsible to the Central Assembly be formed subject to the proviso that, during the tendency of the war, the military operations should continue as at present but without involving any financial burden on India. If there is a desire on the part of the British Government for a settlement, friendly talks should take the place of correspondence. But I am in your hands. I shall continue to knock so long as there is the least hope of an honourable settlement.

After the foregoing was written, I saw Lord Munster's speech in the House of Lords. The summary given by him in the House of Lords fairly represents my proposal. This summary may serve as a basis for mutual friendly discussion.

I am,

Yours sincerely,
(SD.) M. K. GANDHI."

4, *Viceyoy's reply to Mr. Gandhi, dated 15th August 1944.*

"DEAR MR. GANDHI,

Thank you for your letter of July 27. Your proposals are ;— (i) that you should undertake to advise the Working Committee : (a) "that in view of changed conditions mass civil disobedience envisaged by the resolution of August 1942, cannot be offered" and (b) "that full co-operation in the war effort should be given by the Congress provided (ii) that His Majesty's Government (a) declare immediate Indian independence, and (b) form a "National Government" responsible to the Central Assembly "subject to the proviso that during the pendency of the war the military operations should continue as at present but without involving any financial burden on India."

His Majesty's Government remain most anxious that a settlement of the Indian problem should be reached. But proposals such as those put forward by you are quite unacceptable to His Majesty's Government as a basis for discussion and you must realise this if • you have read Mr. Amery's statement in the House of Commons on July 28th last. They are indeed very similar to the proposals made by Maulana Abul Kalam Azad to Sir Stafford Cripps in April 1942 and His Majesty's Government's reasons for rejecting them are the same as they were then.

3. Without recapitulating all these reasons in detail, I should remind you that His Majesty's Government at that time made it clear:

- (a) That their offer of unqualified freedom after the cessation of hostilities was made conditional upon the framing of a Constitution agreed by the main elements of India's national life and the negotiation of the necessary treaty arrangements with His Majesty's Government;
- (b) That it is impossible during the period of hostilities to bring about any change in the Constitution by which means alone a "National Government" such as you suggest could be made responsible to the Central Assembly.

The object of these conditions was to ensure the fulfilment of their duty to safeguard the interests of the racial and religious minorities of the Depressed Classes and their treaty obligations to the Indian States.

4. It was upon the above conditions that His Majesty's Government invited Indian leaders to take part in an interim Government which would operate under the existing Constitution. I must make it quite clear that until the war is over responsibility for defence and military operations cannot be divided from the other responsibilities of Government and that until hostilities cease and the

new Constitution is in operation, His Majesty's Government and the Governor-General must retain their responsibility over the entire field. So far as the question of India's share of the cost of the war is concerned, this is essentially a matter for settlement between His Majesty's Government on the one hand and the Government of India on the other, and existing financial arrangements can only be reopened at the instance of one or the other.

5. It is clear in these circumstances that no purpose will be served by discussion on the basis which you suggest. If however the leaders of the Hindus, the Muslims and the important minorities were willing to co-operate in a transitional Government established and working within the present constitution, I believe good progress might be made. For such a transitional Government to succeed, there must before it is formed, be agreement in principle between Hindus and Muslims and all important elements as to the method by which the new Constitution should be framed. This agreement is a matter for Indians themselves.

Until Indian leaders have come closer together than they are now, I doubt if I myself can do anything to help. Let me remind you too that minority problems are not easy. They are real and can be solved only by mutual compromise and tolerance. 6. The period after the termination of hostilities for which the transitional Government would last, would depend on the speed with which the new constitution could be framed. I see no reason why preliminary work on that Constitution should not begin as soon as the Indian leaders are prepared to co-operate to that end. If they can arrive at a genuine agreement as to the method of framing the Constitution, no unnecessary time need be spent after the war in reaching final conclusions and in agreeing treaty arrangements with His Majesty's Government. There again the primary responsibility rests on the Indian leaders.

Yours sincerely,
(SD.) WAVELL."

APPENDIX XI

POLITICAL DEMANDS OF SCHEDULED CASTES

Resolutions passed by the Working Committee of the All-India Scheduled Castes Federation held in Madras on the 23rd September 1944 under the Presidentship of Rao Bahadur N .Shiva Raj, B.A., B.L., M.L.A., outlining the safeguards for the Untouchables in the new Constitution.

RESOLUTION NO. I

SUBJECT :—*Recognition of the Scheduled Castes as a separate element.*

The Working Committee of the All-India Scheduled Castes Federation has

found a section of the Press in India making the allegation, that the statement made by H. E. the Viceroy in his letter to Mr. Gandhi dated the 15th August 1944 to the effect that the Scheduled Castes are one of the important and separate elements in the national life of India and requiring that the consent of the Scheduled Castes to the Constitution of India was a necessary condition precedent for transfer of power to Indians, is a departure from the position of His Majesty's Government as defined in the Cripps Proposals. The Committee cannot help expressing its indignation at this propaganda and takes this occasion to state in most emphatic and categorical terms that the Scheduled Castes are a distinct and separate element in the national life of India and that they are a religious minority in a sense far more real than the Sikhs and Muslims can be and within the meaning of the Cripps Proposals. The Working Committee desires to point out that what has been stated by Lord Wavell in his letter to Mr. Gandhi has been the position of His Majesty's Government from the very beginning and was enunciated in clear terms as early as 1917 by the authors of the Montagu-Chelmsford Report simultaneously with the enunciation by them of Responsible Government as the goal of India's political evolution and has been confirmed by subsequent action of His Majesty's Government such as the grant of separate representation to the Scheduled Castes at the Round Table Conference, Joint Parliamentary Committee and in the Government of India Act, 1935, as a recognised minority, separate from the Hindus. The Working Committee has, therefore, no hesitation in saying that it is a false and malicious propaganda to allege that this is a departure from the policy of His Majesty's Government and regards it as a manoeuvre on the part of the enemies of the Scheduled Castes to defeat their just claims for constitutional safeguards and calls upon Indian political leaders and particularly the Hindu leaders to accept this fact, in the interests of peace and good-will between the Hindus and the Scheduled Castes, and for the speedy realization of India's political goal.

RESOLUTION NO. 2

SUBJECT :—*Declaration by His Majesty's Government relating to the Scheduled Castes and the Constitution.*

The Working Committee of the All-India Scheduled Castes Federation welcomes the declaration made by His Majesty's Government and recently reiterated by His Excellency the Viceroy that His Majesty's Government regards the consent of the Scheduled Castes, among others, to the Constitution of a free India, as a matter of vital importance and as a necessary condition precedent to the transfer of power to Indian hands. At the same time, the

Working Committee wishes to draw the attention of His Majesty's Government to the attitude of the Congress and other political organizations in the country which treats this declaration of His Majesty's Government as not being a *bona fide* declaration and made without any intention to honour it and as a mere matter of tactics adopted to postpone transfer of power, and which is in all probability responsible for the unwillingness of the Majority Community to seek for a settlement with the Scheduled Castes. The Working Committee regards this allegation as baseless and calls upon His Majesty's Government not to give any ground for such suspicion and make it clear that they will stand by the declaration at all times and under all circumstances.

RESOLUTION NO. 3

SUBJECT :—*Nature of Constitutional Safeguards.*

The Working Committee declares that no Constitution shall be acceptable to the Scheduled Castes unless :—

- (a) it has the consent of the Scheduled Castes ;
- (b) it recognises the Scheduled Castes as distinct and separate element;
- (c) it contains within itself provisions for securing the following purposes:
 - (1) For earmarking a definite sum in the Budgets of the Provincial and Central Governments for the Secondary, University and Advanced Education of the Scheduled Castes.
 - (2) For reservation of Government lands for separate settlements of the Scheduled Castes through a Settlement Commission.
 - (3) For Representation of the Scheduled Castes according to their needs, numbers and importance :—
 - (i) in the Legislatures,
 - (ii) in the Executive,
 - (iii) in Municipalities and Local Boards,
 - (iv) in the Public Services,
 - (v) on the Public Service Commissions.
 - (4) For the recognition of the above provisions as fundamental rights beyond the powers of the Legislature or The Executive to amend or alter or abrogate.
 - (5) For the appointment of an Officer similar in status to that of the Auditor-General appointed under Section 166 of the Government of India Act of 1935 and re-movable from office in like manner and on the like grounds as a judge of the Federal Court to report on the working of the provisions relating to Fundamental Rights.

RESOLUTION NO, 4

SUBJECT :—*Communal Settlement.*

The Working Committee of the All-India Scheduled Caste Federation, while it is most eager for a settlement of the Communal problem, wholly disapproves of the secret negotiations which are being carried on by Mr, Gandhi and Mr, Jinnah for a settlement between the Hindus and the Muslims, The Working Committee is of opinion "that Communal settlement of a sectional character is harmful in every way. It is harmful because it ignores the vital interests of other communities. It is harmful because it creates a feeling of suspicion in other communities that dishonest deal is being *made* between two communities to defeat their interests' It is also harmful to the general interests of the country, inasmuch as the singling out of one special community from others for conferring special privileges, not necessary for its protection but demanded on the basis of prestige, creates differences in status which from the point of view of maintaining equal citizenship for all, are unjustifiable and must be deplored. The Working Committee is surprised that Mr. Gandhi who has time and again proclaimed himself as an opponent of secrecy in public life should have entered into secret diplomacy to bring about Hindu-Moslem Settlement. The Committee expresses its emphatic opinion that the proper 'procedure to settle the communal question, which would give a sense of security and ensure fair and equal treatment to all is to discuss the demands put forth by each interest in public and in the presence of and with the representatives of other interests.

RESOLUTION NO. 5

SUBJECT :—*Revision of the Constitution,*

The Working Committee of the All-India Scheduled Castes Federation is of opinion that the provisions in the existing Constitution relating to minority representation are not based on any intelligible principle. The Committee finds that as the system now stands, some minorities have not received even their population ratio of representation, while other minorities have been given weightage over and above their population ratio as a concession to their claims based on historical and military importance. The Working Committee regards the recognition of such claims to be harmful to the interests of other minorities and inconsistent with the ideal of social and political democracy, which is the goal of all Indians and that they should never be tolerated. In this connection, the Committee wishes to draw attention to the fact that the principle of giving weightage to specially selected minorities has been condemned by the authors

of the Montagu-Chelmsford Report and also by the Simon Commission. The Committee demands that in view of the fact that the next Constitution of India will be for India as a Dominion, the provisions of the Constitution relating to minorities should be revised and should be brought in accord with the principle of equal treatment of all minorities.

RESOLUTION NO. 6

SUBJECT :—*Representation in the Legislatures and in the Executive.*

The Working Committee of the All-India Scheduled Castes Federation desires to state in categorical and emphatic terms that the Scheduled Castes will not tolerate any discrimination between one community and another in the matter of representation and will insist upon their claim for seats in the Provincial and Central Legislatures and in the Provincial and Central Executive being adjudged in the same manner and by the same principles that may be made applicable to the claims of the Muslim Community.

RESOLUTION NO. 7

SUBJECT :—*Electorates.*

The Working Committee of the All-India Scheduled Castes Federation is of opinion that the experience of the last elections held under the Government of India Act has proved that the system of joint electorates has deprived the Scheduled Castes of the right to send true and effective representatives to the Legislatures and has given the Hindu Majority the virtual right to nominate members of the Scheduled Castes who are prepared to be the tools of the Hindu Majority. The Working Committee of the Federation therefore demands that the system of joint electorates and reserved seats should be abolished and the system of separate electorates be introduced in place thereof.

RESOLUTION NO. 8

SUBJECT :—*Framework of Executive Government.*

The working Committee of the All-India Scheduled Castes Federation takes note of the fact that not only all wealth, property, trade and industry are in the hands of the Majority Community, but even the whole administration of the State is controlled by the Majority Community whose members have monopolized all posts in the State services both superior and inferior. The Working Committee of the All-India Scheduled Castes Federation regards this as the most dangerous situation which cannot but cause great apprehension to the minority communities since the combination of these circumstances gives the majority the fullest power to establish its stranglehold upon the minorities.

This fear of a stranglehold is greatly augmented by the Constitutional provisions relating to the Executive contained in the Government of India Act of 1935 which permits the majority in the Legislature to form a Government without reference to the wishes of the minorities,

The Working Committee of the All-India Scheduled Castes Federation feels that while, in the absence of an alternative system, the Parliamentary system of Government may have to be accepted, the Committee is definitely opposed to the system of Parliamentary cabinet inasmuch as it automatically vests the Executive authority in the Majority Community and thereby strengthens the hold of the Majority Community which has entered into the steel frame of the administration and thus has become a source of great danger to the Minorities. The Working Committee has, therefore, come to the conclusion that the system of Parliamentary Cabinet is not suited to Indian conditions and that a different system under which Executive Government would be formed in consultation with the wishes of the Minorities must be designed to give them a better sense of security.

The Working Committee insists that the Executive in the Provinces as well as in the Centre should be constituted in the following manner:—

- (i) The Executive should consist of a Prime Minister and other ministers drawn from general community and from minority communities in a proportion to be specified in the Constitution.
- (ii) The Prime Minister and Ministers drawn from the general community shall be elected to the Executive by the whole house by single transferable vote.
- (iii) The Ministers representing the minority communities shall be chosen by the members representing the different communities by single transferable vote.
- (iv) The Members of the Executive shall be members of the Legislature, shall answer questions, vote and take part in debates.
- (v) Any vacancy in the Executive shall be filled in accordance with rules governing the original appointments.
- (vi) The period for which the Executive shall hold office shall be co-terminus with the life of the Legislature.

RESOLUTION NO. 9

SUBJECT :—*Public Services,*

While it is desirable to plan for a Government which will be a Government of Laws and not of men, it cannot be forgotten that no matter how Government is organised, it must remain a Government of men. That being so, whether Government is good or bad as distinguished from a merely efficient

Government and how far the administration of public affairs will be non-political and impartial must depend upon the spirit and outlook and sense of justice of the men who are appointed to administer the Law. The Working Committee of the All-India Scheduled Castes Federation is convinced that the Scheduled Castes can never get protection, justice or sympathy from the present administration which is controlled by men full of caste consciousness, narrow-mindedness, absence of sense of justice and having a hatred and contempt for the Scheduled Castes. The Working Committee, therefore, demands that the Constitution must recognise the right of the Scheduled Castes to reservation *in* the Public Services in the same proportion as may be applied to the claims of the Muslim Community,

RESOLUTION NO. 10

SUBJECT :—*Provision for Education.*

The Working Committee of the All-India Scheduled Castes Federation feels that unless persons belonging to the Scheduled Castes are able to occupy posts which carry executive authority, the Scheduled Castes must continue to suffer, as they have been doing in the past all the injustices and indignities from the hands of the Government and the Public. The Working Committee, therefore, regards the spread of higher and advanced education among the Scheduled Castes as of vital importance to them. But, it cannot be denied that such advanced education is beyond the means of the Scheduled Castes. The Committee regards it as essential that a definite liability in this behalf should be imposed on the State to provide funds for that purpose and demands that the Constitution should impose an obligation upon the Provincial Governments and the Central Government to set apart adequate sums, as may be specified by the Constitution, exclusively for advanced education of the Scheduled Castes in their annual budgets and to accept such provisions as a first charge on their revenues,

RESOLUTION NO. 11

SUBJECT :—*Separate Settlements.*

The Working Committee of the All-India Scheduled Castes Federation holds;—

- (a) that so long as the Scheduled Castes continue to live on the outskirts of the Hindu village, as an alien people, with no source of livelihood and in small numbers as compared to Hindus, they will continue to remain Untouchables and subject to the tyranny and oppression of the Hindus and will not be able to enjoy free and full life, and
- (b) that for the better protection of the Scheduled Castes *from* the tyranny

and oppression of the Caste Hindus, which may take a worse form under Swaraj, and to enable the Scheduled Castes to develop to their fullest manhood) to give them economic and social security as also to pave the way for the removal of untouchability, the Working Committee demands that the Constitution should provide-

- (1) For the transplantation of the Scheduled Castes from their present habitations and form separate Scheduled Caste villages away from and independent of Hindu villages;
- (2) For the settlement of the Scheduled Castes in new villages a provision shall be made by the Constitution for the establishment of a Settlement Commission;
- (3) All Government land which is cultivable and which is not occupied and land which may be reclaimed shall be handed over to the Commission to be held in trust for the purpose of making *new* settlements of the Scheduled Castes.
- (4) The Commission shall be empowered to purchase new land under the Land Acquisition Act from private owners to complete the scheme of settlements of the Scheduled Castes.
- (5) The Constitution shall provide that the Central Government shall grant to the Settlement Commission a minimum sum of rupees five crores per annum to enable it to carry out their duty in this behalf.

RESOLUTION NO. 12

"The Working Committee of the A.I.S.C. Federation unanimously resolves that it places its complete confidence in Dr. B. R. Ambedkar and authorises him to negotiate on its behalf and on behalf of Scheduled Castes with other political parties or their leaders as and when necessity arises."

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